

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CARY DALE ALLEN	§	
v.	§	CIVIL ACTION NO. 6:18cv128
DIRECTOR, TDCJ-CID	§	

ORDER OF TRANSFER

The Petitioner Cary Dale Allen filed this petition for the writ of habeas corpus challenging the legality of his conviction. The petition was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Allen was convicted of driving while intoxicated (3rd or more) in the 142nd Judicial District Court of Midland County, Texas, receiving a sentence of 17 years in prison. Midland County is within the territorial jurisdiction of the Western District of Texas, Midland-Odessa Division. 28 U.S.C. §124(d)(7).

The habeas corpus venue statute, 28 U.S.C. §2241(d), states as follows:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

The Court has examined the petition and has determined, in the exercise of its discretion, that the interests of justice would be furthered by a transfer of this cause to the district and division in which the Petitioner was convicted. It is accordingly

**ORDERED** that the above-styled application for the writ of habeas corpus is **TRANSFERRED** forthwith to the U.S. District Court for the Western District of Texas, Midland-Odessa Division, for such other and further proceedings as that Court deems appropriate.

**So ORDERED and SIGNED** this 19th day of March, 2018.

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE